

REMARKS

This paper is being submitted in response to the Office Action dated November 28, 2007 (the "Office Action") and the Notice of Non-Compliant Amendment dated July 23, 2008 (the "Notice").

Claims 59-89 are pending in the application.

Claims 59-89 stand rejected.

Claims 79-88 stand rejected under 35 U.S.C. § 101 as purportedly being directed to non-statutory subject matter. Claims 59-89 stand rejected under 35 U.S.C. § 102(e) as purportedly being anticipated by U.S. Patent Publication No. 2002/0038336 naming Abileah et al. as inventors ("Abileah").

While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicant has chosen to respond as follows. Applicant reserves the right, for example, in a continuing application, to establish that the cited reference, or other references cited thus far or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed. Applicant respectfully submits that the pending claims are allowable in view of the above amendments and the following remarks, and respectfully requests reconsideration of the pending rejections.

Formal Matters

Applicant acknowledges the objection raised in the Notice regarding the incorrect status identifier of claim 79 in Applicant's previous response, dated February 28, 2008. Applicant has

corrected the identifier of claim 79, and resubmits the amendment and arguments from that previous response in this paper.

Rejections under 35 U.S.C. §101

Claims 79-88 stand rejected under § 101 as purportedly being directed to non-statutory subject matter. Independent claim 79 has been amended to address the rejections. For example, claim 79 has been amended to include a computer server, which a person having ordinary skill in the art would readily understand to be a hardware limitation in view of Applicant's Specification. Accordingly, Applicant respectfully requests that the rejection of the claims under § 101 be withdrawn.

Rejections under 35 U.S.C. §102(e)

Claims 59-89 stand rejected under § 102(e) as being purportedly anticipated by Abileah. Applicant respectfully submits that the claims are allowable because the cited passages of Abileah fail to disclose each limitation of the pending claims.

As an initial matter, Applicant notes that the Final Office Action does not point with particularity to any features of the cited reference as teaching the specific limitations of Applicant's claim 59. This lack of particularity falls short of the requirements of 37 C.F.R. § 1.104(c)(2), which provides:

In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

(Emphasis added.)

Applicant respectfully submits that the parts of the cited references that the Office Action has relied upon have not been designated as nearly as practicable, as required by 37 C.F.R. § 1.104(c)(2). With regard to the various limitations of claim 59, the Office Action merely cites lengthy tracts of material from the reference (¶¶ 16-31 and 61-104) and proposes that these tracts somehow correspond to Applicant's claim 59. As a particular example, the Office Action does not clearly indicate what features of Abileah supposedly equates with the application service interfaces in Applicant's claim 59, or with the common service interfaces in Applicant's claim 59. Moreover, the Office Action does not point to any particular teaching as disclosing the limitation that each common service interface is "configured to communicate with the process and with two or more of the application service interfaces that interface with a corresponding type of application."

This lack of particularity falls short of the requirements of 37 C.F.R. § 1.104(c)(2) for a rejection under § 102(e). At least for this reason, the pending rejections under § 102(e) should be withdrawn.

Nevertheless, Applicant has endeavored to respond to the pending rejections in view of the teachings of the cited passages. Applicant respectfully submits that the cited passages fail to disclose various limitations of Applicant's claim 59. For example, claim 59 includes a limitation that each common service interface is "configured to communicate with the process and with two or more of the application service interfaces that interface with a corresponding type of application." At least this limitation is absent from the cited passages.

Abileah discloses the use of "connectors," as discussed in the following passages:

[0076] The interconnection of disparate and dissimilar applications running on different software platforms, as shown in FIG. 1, with different operating systems, physical platforms, and physical realizations is accomplished through connectors that incorporate the interconnection metadata. Connectors are a central part of the application framework for e-business. The end user demand is to connect to anything interesting as quickly, and as easily, as possible.

[0077] A connector is required to match the interface requirements of the adapter and the legacy application. It is also required to map between the two interfaces. Standardized metamodels for application interfaces presented herein allow reuse of information in multiple connector tools. These standardized metamodels not only reduce work to create a connector, but also reduce work needed to develop connector builder tools.

[0078] The connectors built using the common application metamodel of our invention provide interoperability with existing applications. The connectors support leveraging and reuse of data and business logic held within existing application systems. The job of a connector is to connect from one application system server “interface” to another. Therefore, an application-domain interface metamodel describes signatures for input and output parameters and return types for a given application system domain (e.g. IMS, MQSeries); it is not for a particular IMS or MQSeries application program. The metamodel contains both syntactic and semantic interface metadata.

(Abileah at ¶¶76-78 (emphasis added).)

The Office Action appears to hint that Abileah’s connectors correspond to the application service interfaces of Applicant’s claim 59. Even if this characterization of the cited passages were correct (a proposition with which Applicant certainly does not agree), the cited passages nonetheless fail to disclose the common service interfaces of Applicant’s claim 59. As noted above, the common service interfaces are configured to communicate with a process and with “two or more of the application service interfaces that interface with a corresponding type of application.” No such teaching is presented or fairly suggested in the cited passages for

Abileah's connectors. At least this limitation of claim 59 is therefore absent from the cited portions of the reference.

At least for these reasons, independent claim 59 and all claims dependent therefrom are allowable under § 102(e). At least for similar reasons, independent claims 69, 79, and 89 and all claims dependent therefrom are also allowable under § 102(e).

CONCLUSION

Applicant submits that all claims are now in condition for allowance, and a notice to that effect is solicited. Should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136 are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,



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